## UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

U.S. BANK, NATIONAL	§	
ASSOCIATION AS LEGAL TITLE	Š	
TRUSTEE FOR TRUMAN 2016 SC6	Š	
TITLE TRUST	§	
Plaintiff,	Š	
,	Š	
<b>v.</b>	Š	<b>CIVIL ACTION NO. 3:21-cv-81</b>
	§	
CANNOISE HARPER, L.J. HARPER,	§	
JAMES HARPER, LEEVON HARPER,	Š	
CELETHA HARPER, THERESA	Š	
DEROSIN, SHERMAINE BARRY,	§	
ETOSHIA WILLIAMS, CARLESTER	§	
HARPER, JACKQUELYN	§	
STRICKLAND, and ERICKA	§	
JOHNSON,	§	
Defendants.	§	

## **DECLARATION OF RUSHMORE LOAN MANAGEMENT SERVICES LLC**

- 1. My name is <u>Anthony Younger</u>. I am over the age of twenty-one (21), have never been convicted of a felony or crime involving moral turpitude and am fully competent to provide this testimony. The facts stated in this declaration are within my personal knowledge and are true and correct.
- 2. I am currently employed by Rushmore Loan Management Services LLC ("Rushmore") the mortgage servicer for Defendant U.S. BANK, NATIONAL ASSOCIATION AS LEGAL TITLE TRUSTEE FOR TRUMAN 2016 SC6 TITLE TRUST ("U.S. Bank") as a <a href="Maintenancemons">Assistant Secretary</a>. U.S. Bank is the mortgagee on the Loan, defined below, secured by the Property located at 1216 Aspermont Ave., Dallas, Texas 75216 (the "Property").
- 3. In my referenced capacity, I have access to and have reviewed various corporate and business records of Rushmore, which includes all mortgage records from any predecessor mortgage or mortgage servicer, and have had the opportunity to review the business records and account information related specifically to the Loan (the "Loan Records") secured by the Property. I am fully authorized to make this declaration on behalf of U.S. Bank in the above-entitled and numbered cause. All statements made herein are true and correct and based upon my personal knowledge gained from my employment by Rushmore and a review of business records of Rushmore, the servicer for the subject loan. When Rushmore receives documents from other parties, such as prior mortgage or mortgage servicers, in relation to a loan that U.S. Bank has an interest in, those documents are placed in the Loan Records at or near the time they are received

and are adopted as business records of Rushmore. My testimony is based upon my familiarity with the business practices, record keeping system and practices of Rushmore, as mortgage servicer for U.S. Bank, and my review of Rushmore's business records.

- 4. Maybellene Anderson ("Decedent") executed a Texas Home Equity Note ("Note") dated July 22, 2005 in the amount of \$65,600.00 and a Texas Home Equity Security Instrument ("Deed of Trust") of even date. A true and correct copy of the Note and Texas Home Equity Affidavit and Agreement is attached hereto as **Exhibit A-1** and incorporated herein by reference. A true and correct copy of the Deed of Trust is attached hereto as **Exhibit A-2** and incorporated herein by reference. The Note and Deed of Trust, along with any amendments and supplements thereto and all other documents that the Decedent executed in connection therewith relating to the Property are referred collectively as the "Loan."
  - 5. U.S. Bank is the current holder of the note.
- 6. According to Rushmore's records, the Loan is due for the September 10, 2010 payment and all subsequent payments. The Decedent was provided written notice and demand to cure the delinquency via certified mail but has not cured the default. A true and correct copy of the notice of default is attached hereto as **Exhibit A-3**. The Decedent, or anyone acting on the Decedent's behalf, failed to cure the default. As such, a lawsuit was filed which contained acceleration language within the petition. The total accelerated amount that is due to pay off the loan as of November 2020 is \$126,458.18. Interest continues to accrue at the per diem rate of \$10.76. A true and correct copy of the payoff quote is attached hereto as **Exhibit A-4**.
- 7. The exhibits attached hereto are records kept by Rushmore in the regular course of business and were made at or near the time of the acts, events, conditions and/or opinions recorded therein and by an employee or representative of Rushmore, as mortgage servicer for U.S. Bank, with knowledge of those matters and/or documents received from third parties that have been incorporated and now are part of the business records of Rushmore with respect to the Loan. It was the regular business practice of Rushmore for an employee or representative with knowledge of the acts, events, conditions and/or opinions recorded in these records to record or transmit the information (included) in these records and/or receive and incorporate them as business records related to the Loan. The exhibits attached hereto are the originals or exact duplicates of the originals, with the exception that portions of the Loan number and/or other sensitive personal identifying information has been redacted.
- 8. Pursuant to 28 U.S.C (S) 1746, I declare under penalty of perjury that the foregoing is true and correct. Date this day of June 2021.

NAME OF DECLARANT